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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,952	04/25/2007	Edwin Nun	294009US0PCT	9750

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MATZEK, MATTHEW D

ART UNIT	PAPER NUMBER
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1786

NOTIFICATION DATE	DELIVERY MODE
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02/15/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/588,952	Applicant(s) NUN ET AL.	
	Examiner MATTHEW D. MATZEK	Art Unit 1786	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-3, 6-10, 13-15 and 26.
Claim(s) withdrawn from consideration: 13-25.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Matthew D Matzek/
Examiner, Art Unit 1786

/Norca L. Torres-Velazquez/
Primary Examiner, Art Unit 1786

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the applied art fails to provide for the claims inorganic-organic silicon network including an organic component covalently bonded between the Si atoms and wherein the organic component has a hydroxyl group and an amine group because the Armbrust reference does not describe any particular AMEO/GLYEO combination. Example 1 disclosed in Applicant's specification describes the process of combining GLYEO and AMEO for the purpose of forming a two component system for producing the claimed ceramic coating layer. Column 15, lines 55-67 of Armbrust et al. disclose an additive solution (D) for forming a two component system involving the combination of GLYEO and AMEO for the purpose of forming a two component system for producing a ceramic coating layer; therefore, the coating of Armbrust et al. which is formed in the same manner, using the same components as Applicant, would arrive at the claimed coating layer. Applicant argues that Penth does not describe the organic bonding agent other than by reference to other patents. Applicant continues on to say that Penth teaches away from the use of polymeric materials. Applicant asserts that the bonding agent of Penth must be different from the organic component of the instant claims and bonding agent of Penth is removed to form the ceramic layer. In the prior art section, Penth does teach that the use of a bonding agent can lead to irregularities in the ceramic material surface and/or structure, however, the reference also teaches the explicit use of an organic bonding agent in the applied invention (col. 7, lines 46-50). Applicant is encouraged to further explain why the bonding agent of Penth must be different from the organic component of the present claims. Applicant argues that the bonding agent described in Penth is only used in the outer green layer and not in a layer which corresponds to the ceramic interlayer of the present claims. The instant claims call for two ceramic layers: an outer layer and an interlayer. The first layer formed in Penth, which Applicant's refer to as the green layer in this instance, may serve as an interlayer when the ceramic layer formation process is duplicated. The hydrolyzing process used to form the ceramic material layer may be repeated to form a second ceramic layer upon the first ceramic layer (col. 7, lines 35-45). This second ceramic layer serves as the claimed ceramic coating and the first is the claimed interlayer.